

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF RHODE ISLAND**

ALBERT L. GRAY, ADMINISTRATOR, *et al.*,

Plaintiff,

v.

JEFFREY DERDERIAN, *et al.*,

Defendants.

**CIVIL ACTION No. 04-312-L**

ESTATE OF JUDE B. HENAULT, *et al.*,

Plaintiff,

v.

AMERICAN FOAM CORPORATION, *et al.*,

Defendants.

**CIVIL ACTION No. 03-483-L**

**POLAR INDUSTRIES, INC.'S AND HOME DEPOT U.S.A., INC.'S  
MOTION<sup>1</sup> TO APPROVE SETTLEMENT PURSUANT  
TO R.I. GEN. LAW §§ 10-6-7; 10-6-8**

Defendants, Polar Industries, Inc. (hereinafter "Polar") and Home Depot U.S.A., Inc. ("Home Depot"), move this Court for an Order approving Polar's and Home Depot's collective gross settlement with Plaintiffs in the amount of \$5,000,000 (five million dollars) as a "good-faith settlement" in accordance with R.I. Gen. Law §§ 10-6-7; 10-6-8 so as to extinguish all potential

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<sup>1</sup>This Motion is directed towards all plaintiffs and claimants in all cases arising out of the Station Night Club fire: *Gray, et al. v. Derderian, et al.*, C.A. No. 04-312-L; *Henault, et al. v. American Foam Corp., et al.*, C.A. No. 03-483-L; *Passa, et al. v. Derderian, et al.*, C.A. No. 03-148-L; *Kingsley, et al. v. Derderian, et al.*, C.A. No. 03-208-L; *Guindon, et al. v. American Foam Corp., et al.*, CA No. 03-335-L; *Roderiques, et al. v. American Foam Corp., et al.*, C.A. No. 04-026-L; *Sweet, et al. v. American Foam Corp., et al.*, C.A. No. 04-056-L; *Paskowski, et al. v. Derderian, et al.*, C.A. No. 05-002-L; *Kolasa v. American Foam Corp., et al.*, C.A. No. 05-070-L; *Malagrino v. American Foam Corp., et al.*, C.A. No. 06-002-L; *Long v. American Foam Corp., et al.*, C.A. No. 06-047-L; *Gonsalves v. Derderian, et al.*, C.A. No. 06-076-L; and *Napolitano, et al. v. Derderian, et al.*, C.A. No. 06-080-L.

contribution claims by joint tortfeasors.

Polar and Home Depot further request that the Order approving the gross settlement be without prejudice to their ability to address the Court's review of the individual settlements allotted to the minor plaintiff's under Special Master McGovern's Plan of Distribution and/or appointments of *guardians ad litem* and/or a special master in connection therewith.

Polar and Home Depot respectfully request the Court take notice that Court approval of this Motion is one of a number of conditions precedent which must be satisfied before there is a final binding settlement.

In support of their Motion, Polar and Home Depot submit the accompanying Memorandum of Law and Affidavit of Michael J. McCormack, in support.

RESPECTFULLY SUBMITTED:

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Dated: April 21, 2009

## CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of April, 2009, I caused to be filed and served electronically, and is available for viewing and downloading a copy of the attached pleading via the Court's ECF system to the following list of counsel and pro se parties of record unless otherwise noted below.

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